

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Adriana Lizarazo	Team: Team # 2	CCRB Case #: 201106751	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/19/2011 9:20 PM	Location of Incident: Hendrix Street and Belmont Avenue.	Precinct: 75	18 Mo. SOL 11/19/2012	EO SOL 11/19/2012	
Date/Time CV Reported Wed, 05/25/2011 10:46 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 05/25/2011 10:46 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Terrell Anderson	00478	933551	PBBN AC
2. POM Edson Gloragille	03817	936671	PBBN AC
3. POM Charne Jimenez	00425	940304	PBBN AC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Raymond Cotton	00000	911634	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Terrell Anderson	Abuse: Sergeant Terrell Anderson supervised the stop of the car in which § 87(2)(b) was an occupant.	
B.SGT Terrell Anderson	Abuse: Sergeant Terrell Anderson supervised the search of § 87(2)(b)	
C.SGT Terrell Anderson	Abuse: Sergeant Terrell Anderson supervised the search of the car in which § 87(2)(b) was an occupant.	
D.POM Edson Gloragille	Abuse: PO Edson Gloragille damaged § 87(2)(b)'s property.	
E.SGT Terrell Anderson	Abuse: Sergeant Terrell Anderson refused to provide shield number to § 87(2)(b)	
F.POM Edson Gloragille	Abuse: PO Edson Gloragille refused to provide his shield number to § 87(2)(b)	
	§ 87(2)(g), § 87(4-b)	
	§ 87(2)(g), § 87(4-b)	
	§ 87(4-b), § 87(2)(g)	

### Case Summary

On May 25, 2011, § 87(2)(b) called the CCRB and filed the following complaint. On May 19, 2011, at approximately 9:20 p.m., § 87(2)(b)'s vehicle was stopped at Hendrix Street and Belmont Avenue in Brooklyn by three plainclothes officers, identified through investigation as Sergeant Terrell Anderson PO Edson Gloragille and PO Charne Jimenez of the Patrol Borough Brooklyn North Anti-Crime. The following allegations resulted:

**Allegation A- Abuse of Authority: Sergeant Terrell Anderson supervised the stop of the car in which § 87(2)(b) was an occupant.**

**Allegation B- Abuse of Authority: Sergeant Terrell Anderson supervised the search of § 87(2)(b)**

**Allegation C- Abuse of Authority: Sergeant Terrell Anderson supervised the search of the car in which § 87(2)(b) was an occupant.**

**Allegation D- Abuse of Authority: PO Edson Gloragille damaged § 87(2)(b)'s property.**

**Allegation E- Abuse of Authority: Sergeant Terrell Anderson refused to provide his shield number to § 87(2)(b)**

**Allegation F- Abuse of Authority: PO Edson Gloragille refused to provide his shield number to § 87(2)(b)**

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)  
§ 87(2)(b)

§ 87(2)(b)

### Results of Investigation

#### Civilian Statement(s)

**Complainant/Victim:** § 87(2)(b)

- *He is a* § 87(2)(b)

#### CCRB Statement:

§ 87(2)(b) provided an initial statement on May 25, 2011 (encl.7A-7B) and was interviewed at the CCRB on June 6, 2011 (encl.8A-8E). His statements were consistent with the following noted exceptions.

On May 19, 2011, at approximately 9:20 p.m., § 87(2)(b) was driving his green Lexus with temporary South Carolina license plate § 87(2)(b) on Pitkin Avenue in Brooklyn. § 87(2)(b) observed three officers, identified through investigation as Sergeant Terrell Anderson

PO Edson Gloragille and PO Charne Jimenez of the Patrol Borough Brooklyn North Anti-Crime, conducting a vehicle stop at Pitkin Avenue and Miller Avenue. § 87(2)(b) drove around the officers and PO Gloragille stared at him as if he suspected him of something. § 87(2)(b) continued driving and the officers got back in their gold Crown Victoria and followed him. PO Jimenez was the driver, Sergeant Anderson was the passenger and PO Gloragille was in the back seat.

§ 87(2)(b) was driving with both hands at approximately ten miles per hour and made a right turn on Hendrix Street. § 87(2)(b) made sure to turn on the signal before making the turn because he knew that the officers were behind him. § 87(2)(b) drove on Hendrix Street and the officers pulled him over as he reached Belmont Avenue. § 87(2)(b) immediately began video recording the incident on his phone. This was visible to the officers.

PO Gloragille approached the driver side of § 87(2)(b)'s vehicle and Sergeant Anderson approached the passenger side. PO Jimenez stood by the left back seat of the car. § 87(2)(b) told PO Gloragille that he had a feeling that the officers were going to go after him because of the way that PO Gloragille had looked at him before. Sergeant Anderson asked § 87(2)(b) if that was the reason why he was recording. § 87(2)(b) told the officers that he was recording because they did not have a reason to stop him. Sergeant Anderson told § 87(2)(b) that he failed to signal before he made the right turn. Sergeant Anderson also told § 87(2)(b) that he was making a "fool" of himself for recording and asked him for his driver's license, registration and insurance. § 87(2)(b) alleged during his initial statement that Sergeant Anderson also called him "stupid."

§ 87(2)(b) gave the documents to PO Gloragille and PO Jimenez asked him when he had bought the car. § 87(2)(b) refused to answer because he felt violated and said that he preferred not to answer any questions until he is arrested. PO Jimenez asked § 87(2)(b) again and this time § 87(2)(b) replied that he had bought the car that same month. § 87(2)(b) was still recording and he pointed his cell phone at PO Jimenez and told him that he felt safe with him. § 87(2)(b) then pointed the cellphone at PO Gloragille and Sergeant § 87(2)(b) but told them that he did not feel safe with them.

PO Gloragille asked § 87(2)(b) to step out of the car and § 87(2)(b) asked if he could continue recording. All the officers ordered him to put the phone down and § 87(2)(b) complied. § 87(2)(b) was to the rear of his car and PO Jimenez patted him down and searched inside his front and back pants' pockets. § 87(2)(b) stated during his initial statement that PO Jimenez first went into his pockets and then patted him down. Simultaneously, PO Gloragille opened all the doors of § 87(2)(b)'s vehicle and searched inside. PO Gloragille searched the driver's seat and ripped off a piece of fabric on a speaker by the driver's door. PO Gloragille also searched the passenger seat and back seats. § 87(2)(b) saw that PO Gloragille removed the key from the ignition and that he had it in his hand. The officers did not find anything on § 87(2)(b) or his vehicle and they let him go without issuing him a summons.

As the officers walked away, § 87(2)(b) requested their shield numbers. PO Gloragille and Sergeant Anderson asked § 87(2)(b) why he wanted that information and PO Jimenez provided his name and shield number right away. § 87(2)(b) told PO Jimenez that he did not want his information because he had been nice to him. § 87(2)(b) did not recall the name and shield number that PO Jimenez provided. § 87(2)(b) asked PO Gloragille and Sergeant Anderson for their shield numbers again and they stated that their names were "Eric" and "Smith" and their shield numbers were "3640" and "613" respectively.

§ 87(2)(b) told the officers that he did not trust that they gave him the actual information and said that he was going to write down their license plate. § 87(2)(b) went back to his vehicle and began recording again. § 87(2)(b) noticed that the police vehicle, which was still parked behind him, did not have a license plate on the front. § 87(2)(b) waited for

the officers to drive around him so that he could write the plate number but instead, the officers drove in reverse. § 87(2)(b) checked the glove compartment which he keeps locked and it was unlocked.

**NYPD Statement(s):**

**Subject Officer: PO EDSON GLORAGILLE**

- He is a § 87(2)(b)
- On May 19, 2011, PO Gloragille worked from 5:30 p.m. until 2:05 a.m., on the next day. He was assigned to anti-crime and was working with Sergeant Terrell Anderson and PO Charne Jimenez. He was dressed in plainclothes and was assigned to an unmarked vehicle # 8868.
- PO Gloragille was promoted to a sergeant and is now assigned to the 115<sup>th</sup> Precinct.

**Memo Book:**

PO Gloragille did not have any memo book entries regarding the stop of § 87(2)(b). His first entry for the day was at 7:30 p.m., indicating he resumed patrol. His next entry was at 11:00 p.m., for an unrelated stop (encl.10A-10B).

**CCRB Statement:**

PO Gloragille was interviewed at the CCRB on January 9, 2012 (encl.11A-11C). PO Gloragille did not recall this incident and he did not recognize § 87(2)(b) from his photograph. After reviewing the video footage, PO Gloragille provided the following statement. On May 19, 2011, at approximately 9:20 pm., § 87(2)(b)'s vehicle was pulled over at Hendrix Street and Belmont Avenue after he failed to signal before making a right turn. PO Gloragille personally made this observation and he denied that the officers were following § 87(2)(b)'s vehicle. PO Gloragille did not suspect § 87(2)(b) of anything else at the time and stated that the stop was solely based upon the traffic infraction.

As the officers approached § 87(2)(b)'s vehicle, PO Gloragille observed that § 87(2)(b) leaned his body towards the front passenger seat as if he was reaching for something. PO Gloragille did not know what § 87(2)(b) was reaching for and stated that during a car stop he always fears for his safety. Once PO Gloragille got closer to the vehicle, he noticed that what § 87(2)(b) was reaching for was his cellphone which he had in his hand and used to record the incident. § 87(2)(b) was agitated and did not want to listen to the officers. § 87(2)(b) also told PO Gloragille that he had recently been stopped by officers of the 75<sup>th</sup> Precinct and he believed that PO Gloragille, Sergeant Anderson and PO Jimenez were also from the 75<sup>th</sup> Precinct and were retaliating against him.

PO Gloragille stated that although the video shows that he asked § 87(2)(b) out of the car, he did not recall if § 87(2)(b) actually exited his car or if he was later told to stay in the car. § 87(2)(b) was agitated and upset throughout the entire incident and his demeanor never changed. PO Gloragille stated that he did not recall PO Jimenez frisking and/or searching § 87(2)(b) and he did not recall searching § 87(2)(b)'s vehicle. PO Gloragille denied reaching in § 87(2)(b)'s vehicle and damaging his property.

PO Gloragille stated that he did not recall if § 87(2)(b) requested his and Sergeant Anderson's names and shield numbers and he denied that § 87(2)(b) was given false information. § 87(2)(b) provided his credentials and everything was in order. PO Gloragille stated that he used his discretion to not give § 87(2)(b) a summons for the traffic infraction because he was already upset and agitated and PO Gloragille did not want to escalate the

situation. This decision was not discussed with Sergeant Anderson or PO Jimenez and § 87(2)(b) was returned his paperwork and was let go.

**Subject Officer: SERGEANT TERRELL ANDERSON**

- He is a § 87(2)(b)
- On May 19, 2011, Sergeant Anderson worked from 5:26 p.m. until 2:10 a.m., on the next day. He was assigned to anti-crime and was working PO Edson Gloragille and PO Charne Jimenez. He was dressed in plainclothes and was assigned to a tan Crown Victoria # 8868.

**Memo Book:**

Sergeant Anderson did not have any memo book entries regarding the stop of § 87(2)(b). His first entry for the day was at 7:30 p.m., indicating he resumed patrol. His next entry was at 2:10 a.m., for end of tour (encl.12A-12B).

**CCRB Statement:**

Sergeant Anderson was interviewed at the CCRB on January 10, 2012 (encl.13A-13D). Sergeant Anderson recalled this incident and was not shown the video footage. His statement was consistent with PO Gloragille and he provided the following supporting information.

On May 19, 2011, at approximately 9:20 p.m., Sergeant Anderson PO Gloragille and PO Jimenez were patrolling when Sergeant Anderson personally observed § 87(2)(b) making a right turn without signaling. Sergeant Anderson did not recall the exact location where his observation was made. § 87(2)(b)'s car was exclusively stopped for the traffic infraction and § 87(2)(b) was not suspected of anything else at the time. Sergeant Anderson also denied that the officers were following § 87(2)(b) and indicated that the officers' initial intention was not to give § 87(2)(b) a traffic summons but to conduct an investigation. Sergeant Anderson stated that the decision to give a summons is made upon contact with the individual.

As Sergeant Anderson approached § 87(2)(b)'s vehicle he noticed a temporary plate displayed on the rear window. Sergeant Anderson also observed through the back and right side passenger window that § 87(2)(b) was leaning towards his right side as if he was reaching for something. Sergeant Anderson did not know what § 87(2)(b) was reaching for. As he got closer to the front passenger side, Sergeant Anderson observed an item in one of § 87(2)(b)'s hand and a light was flashed at him. Sergeant Anderson initially thought § 87(2)(b) was holding a flashlight but realized it was a cell phone when § 87(2)(b) stated that he was recording. Sergeant Anderson did not recall § 87(2)(b)'s demeanor during the incident.

§ 87(2)(b) was asked for his documents and was asked out of the car. Sergeant Anderson did not recall who asked him for his documents and who asked him to exit his vehicle. § 87(2)(b) complied and Sergeant Anderson did not personally fear for his safety. However, he indicated motorists are commonly asked out of their vehicle because vehicle stops are inherently dangerous. § 87(2)(b) stated that he was stopped because he had made a complaint against some officers. § 87(2)(b) was explained that he was stopped because he failed to signal and was reassured that the officers did not know who he was. § 87(2)(b) was not frisked and/or searched during this incident and § 87(2)(b)'s vehicle was never searched. Sergeant Anderson denied that PO Gloragille damaged § 87(2)(b)'s property.

§ 87(2)(b) did not request Sergeant Anderson or PO Gloragille's names and shield numbers and Sergeant Anderson and PO Gloragille did not provide him with false information. After § 87(2)(b)'s documents were verified, it was decided by one of his officers not to give § 87(2)(b) a summons for the traffic infraction. Sergeant Anderson did not recall which

officer made the decision to use his discretion. This decision was not discussed among the officers.

**Subject Officer: PO CHARNE JIMENEZ**

- *He is a § 87(2)(b).*
- *On May 19, 2011, PO Jimenez worked from 5:30 p.m. until 2:05 a.m., on the next day. He was assigned to anti-crime and was working Sergeant Terrell Anderson and PO Edson Gloragille. He was dressed in plainclothes and was assigned to an unmarked vehicle # 8868.*

**Memo Book:**

PO Jimenez did not have any memo book entries regarding the stop of § 87(2)(b). His first entry for the day was at 7:30 p.m., indicating he resumed patrol. His next entry was at 10:10 p.m., for a Stop, Question and Frisk report prepared for an unrelated stop (encl.14A-14B).

**CCRB Statement:**

PO Jimenez was interviewed at the CCRB on January 10, 2012 (encl.15A-15C). PO Jimenez recalled this incident and was therefore not shown any footage. His statement was consistent with PO Gloragille and Sergeant Anderson. He provided the following additional information.

On May 19, 2011, at approximately 9:20 p.m., PO Jimenez, Sergeant Anderson and PO Gloragille were on patrol. PO Jimenez was the driver of the vehicle, Sergeant Anderson was in the passenger seat and PO Gloragille was in the back seat. PO Jimenez was driving on Pitkin Avenue when he personally observed that § 87(2)(b) made a right turn on Hendrix Avenue without using his signal. PO Jimenez denied that another car stop was conducted minutes prior to § 87(2)(b)'s car stop. The basis of § 87(2)(b)'s car stop was the traffic infraction.

Sergeant Anderson and PO Gloragille exited the vehicle first and approached § 87(2)(b)'s vehicle. PO Gloragille was the contact officer and he approached § 87(2)(b)'s driver side while Sergeant Anderson approached the passenger side. PO Jimenez followed the officers a few seconds behind. As PO Jimenez approached § 87(2)(b)'s vehicle, he observed through the back and left side window that § 87(2)(b) leaned to the right side towards the middle console as if he was reaching for something. PO Jimenez did not know what § 87(2)(b) was doing and he did not fear for his safety. Sergeant Anderson and PO Gloragille were standing by each side of the vehicle and had their flashlights.

§ 87(2)(b) was angry, agitated and yelling. PO Jimenez recalled § 87(2)(b) asking if the officers thought he was stupid. PO Jimenez did not see anything in § 87(2)(b)'s hands and did not know whether he was recording. PO Gloragille asked § 87(2)(b) to exit his vehicle and § 87(2)(b) complied but continued to be agitated. PO Jimenez believed that PO Gloragille asked § 87(2)(b) out of the car to speak to him because he was yelling and agitated. § 87(2)(b) stated that he had a CCRB complaint or a lawsuit against officers of the 75<sup>th</sup> Precinct and PO Gloragille asked § 87(2)(b) to relax. PO Jimenez used his flashlight to look into § 87(2)(b)'s vehicle from the outside and there was no indication of any weapons or that § 87(2)(b) was armed. PO Jimenez did not fear for his safety and he knew that § 87(2)(b) was just upset. PO Jimenez did not frisk and/or search § 87(2)(b)'s vehicle was not searched and he did not see PO Gloragille reach inside the vehicle.

PO Jimenez did not recall if § 87(2)(b) requested Sergeant § 87(2)(b) and PO Gloragille's names and shield numbers and he did not hear them provide false information to § 87(2)(b).

§ 87(2)(b) PO Gloragille used his discretion and decided not to give § 87(2)(b) a summons for the traffic infraction. PO Gloragille's decision was not discussed among the officers.

**Witness Officer: LIEUTENANT RAYMOND COTTON**

- *He is a § 87(2)(b)*
- *On May 19, 2011, Lieutenant Cotton was the SNEU Supervisor and worked from 2:50 p.m. until 11:47 p.m. He was assigned to the Prisoner's van and was working with PO Ricardo Lewis and PO Jesus Diaz. He was dressed in plainclothes and was assigned to a blue unmarked van.*

**Memo Book**

Lieutenant Cotton did not have any memo book entries regarding this incident (encl.16A-16C).

**CCRB Statement:**

Lieutenant Cotton was interviewed at the CCRB on November 18, 2011 (encl.17A-17C). He was not present during this incident. Lieutenant Cotton was interviewed because of his remarkably physical resemblance to Sergeant Anderson

**NYPD Document(s)**

**Stop, Question and Frisk Log**

On May 27, 2011 and August 15, 2011, checks were conducted for a Stop, Question and Frisk report prepared for § 87(2)(b). Each time, such report was not located and the Stop, Question and Frisk log did not show any reports prepared by PO Gloragille, PO Jimenez or Sergeant Anderson (encl.19A-19B).

**MISD Check**

An MISD check using § 87(2)(b)'s name, date of birth and driver license's identification number was conducted on June 28, 2011. This search yielded negative results for May 19, 2011 (encl.18A-18C).

**FLEET Services**

A request sent to FLEET Services on October 11, 2011, was unable to be processed by the CCRB-IAB Liaison unit due to the lack of a license plate number.

**Vehicle Utilization Log**

On different dates, inquiries for a Gold Crown Victoria were sent to the 75<sup>th</sup> Precinct, Gang Unit Brooklyn North, Vice Enforcement Brooklyn North, Narcotics Borough Brooklyn North and Patrol Borough Brooklyn North Anti-Crime. The only command which had a gold Crown Victoria assigned on May 19, 2011 was Patrol Borough Brooklyn North Anti-Crime.

**Roll Call**

The Patrol Borough Brooklyn North Anti-Crime roll call for May 19, 2011, showed that Sergeant Anderson PO Gloragille and Po Jimenez were working together from 5:30 p.m. until 2:05 a.m., on the next day. They were assigned to vehicle #8868 which is a 2004 Gold Crown Victoria (encl.21A-21C).

## Other Evidence

### Video Footage 1:

The video lasts 2 minutes and 20 seconds and § 87(2)(b) constantly moves his camera around. The video has poor lighting and PO Jimenez and PO Gloragille are hardly recognizable. The tone of voice of the officers was calm. § 87(2)(b) did not yet but at times he slightly raised his voice. § 87(2)(b) was cooperative and he acted very paranoid and nervous (encl.9A-9F).

- 00:00 to 00:08- § 87(2)(b) is holding his camera and stated that he was being pulled over for no reason. § 87(2)(b) lowered his camera and moved it around.
- 00:09 to 00:18- § 87(2)(b) recorded PO Gloragille, who is standing by the driver side, and politely greeted him. PO Gloragille asked § 87(2)(b) how he was doing and § 87(2)(b) said that that he saw PO Gloragille looking at him and he already knew that the officer was going to go "after him." § 87(2)(b) then asked if there was a reason for the stop and PO Gloragille replied something that sounded like "you tell me."
- 00:19-00:35- Sergeant Anderson who is standing by the passenger side, talked over PO Gloragille and asked § 87(2)(b) if that was the reason that he had his camera on. § 87(2)(b) turned his attention to Sergeant Anderson § 87(2)(b) pointed the camera at him and said that it was. Sergeant Anderson asked § 87(2)(b) if he felt that the officers were doing something wrong and § 87(2)(b) said that it was because he was pulled over and the officers did not have a reason. Sergeant Anderson told § 87(2)(b) that the officers did have a reason and stated that § 87(2)(b) had just made a turn without using the light. Sergeant Anderson § 87(2)(b) continued talking and § 87(2)(b) interrupted him and stated that he did use his light.
- 00:36-00:59- Sergeant Anderson told § 87(2)(b) that his camera was not going to do anything and requested § 87(2)(b)'s license, registration and insurance. § 87(2)(b) said "no problem" and moved his camera around. Sergeant Anderson § 87(2)(b) asked § 87(2)(b) again what he thought that the camera was going to do and § 87(2)(b) replied that it was not going to do anything. § 87(2)(b) asked Sergeant Anderson what he needed from him and asked him one more time the reason for the stop. Sergeant Anderson § 87(2)(b) replied that he needed license, registration and insurance and that § 87(2)(b) failed to use the indicator. § 87(2)(b) replied, "Ok, no problem."
- 01:00-01:30- § 87(2)(b) pointed his camera towards the driver side and PO Jimenez, standing by the left back seat, asked § 87(2)(b) twice how long prior he had bought his car. § 87(2)(b) said that he would allow the officers to do their job but that he preferred not to answer any questions until he was arrested or "something like that." An officer asked § 87(2)(b) if there was a reason why he should be arrested. § 87(2)(b) replied that he did not want any problems and PO Jimenez explained that he wanted to know when he had bought the car because he had noticed his temporary plate. § 87(2)(b) replied that he had bought the car that same month less than two weeks prior. PO Jimenez asked § 87(2)(b) if he was going to register his vehicle in New York and § 87(2)(b) replied that he was not.
- 01:31-02:09- § 87(2)(b) pointed his camera at PO Jimenez and stated that he felt safe with him. § 87(2)(b) then pointed his camera at PO Gloragille and Sergeant Anderson § 87(2)(b) and said that he did not feel safe with them. Sergeant Anderson § 87(2)(b) asked why and § 87(2)(b) stated that it was because he saw the officers conducting a car stop and he noticed that PO Gloragille was in the backseat of the police car. § 87(2)(b) moved his camera



from side to side to capture both officers. § 87(2)(b) said that the officers had "jumped" on an individual and that he did not understand why PO Gloragille had approached § 87(2)(b)'s driver side if he was in the backseat. § 87(2)(b) also stated that he did not have any problem with the officers. Sergeant Anderson § 87(2)(b) asked what that had to do with anything and § 87(2)(b) replied that PO Gloragille was in the back passenger seat to which Sergeant Anderson § 87(2)(b) replied, "and?" and § 87(2)(b) sarcastically said that the officer was right and stated "I don't know the law."

- 02:10-02:20- PO Gloragille stated "come out of the vehicle for my safety." § 87(2)(b) said, "No problem" and asked if he was going to be able to continue recording. PO Gloragille and PO Jimenez said "no" and instructed § 87(2)(b) to leave his phone on his seat. § 87(2)(b) said "okay."

## **Video Footage 2:**

The video lasts 1 minute and 20 seconds and captures § 87(2)(b) alone in his vehicle talking to himself and the officers' vehicle parked behind him.

- 00:00 to 00:12- § 87(2)(b) stated that the officers told him to put his phone down and an officer was cursing at him. He also stated that he was afraid that the officers were going to kill him.
- 00:13 to 00:44- § 87(2)(b) moved his camera around and stated that he was going to get the officers' license plate because he was removed from his vehicle and an officer searched him. § 87(2)(b) also stated that the "dark skin officer with a bald head" had cursed at him.
- 00:45 to 00:59- Through the left side mirror, § 87(2)(b) recorded the officers' vehicle which appeared not to have a front license plate. § 87(2)(b) stated that the officers were not living because he had warned them that he was going to take their license plate.
- 01:00-01:20- The police vehicle drove in reverse until it was no longer visible.

## **Status of Civil Proceedings**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of January 23, 2012, with regard to the incident (encl.24C).

§ 87(2)(b)

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#### **Subject Officer(s) CCRB History**

- Sergeant Anderson has been a member of the service for eight years and there are no substantiated CCRB allegations against him (encl.2A-2B).
- PO Gloragille has been a member of the service for seven years and there are no substantiated CCRB allegations against him (encl.3A-3B).
- PO Jimenez has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl.4A).

#### **Conclusion**

#### **Identification of Subject Officer(s)**

Sergeant Anderson, PO Gloragille and PO Jimenez acknowledged their interaction with § 87(2)(b) on May 19, 2011. Because Sergeant Anderson § 87(2)(b) was the ranking officer on scene, Allegations A, B and C are being pled against him. Because § 87(2)(b) made allegations against specific officers, Allegation E is pled against Sergeant Anderson and Allegations D and F are being pled against PO Gloragille.

#### **Allegations Not Pleaded**

§ 87(2)(b) alleged during his initial statement that Sergeant Anderson called him “stupid.” However, § 87(2)(b) did not make this allegation during his official statement. Therefore, an allegation of a discourtesy is not being pled. § 87(2)(b) alleged that he was frisked and searched during this incident. § 87(2)(b) was not consistent with the order of these events and because the frisk and search occurred simultaneously, the frisk is subsumed within Allegation C.

#### **Investigative Findings and Recommendations**

**Allegation A- Abuse of Authority: Sergeant Terrell Anderson supervised the stop of the car in which § 87(2)(b) was an occupant.**

**Allegation B- Abuse of Authority: Sergeant Terrell Anderson supervised the search of § 87(2)(b)**

**Allegation C- Abuse of Authority: Sergeant Terrell Anderson supervised the search of the car in which § 87(2)(b) was an occupant.**

**Allegation D- Abuse of Authority: PO Edson Gloragille damaged § 87(2)(b)'s property.**

**Allegation E- Abuse of Authority: Sergeant Terrell Anderson refused to provide his shield number to § 87(2)(b)**

**Allegation F- Abuse of Authority: PO Edson Gloragille refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b) alleged that he was driving on Pitkin Avenue, when the officers noticed him and began following him in their car. § 87(2)(b) used his signal, made a right turn on Hendrix Avenue and the officers pulled him over as he reached Belmont Street. § 87(2)(b) alleged that PO Jimenez patted him down and went inside his pockets and PO Gloragille searched his vehicle including the glove compartment. § 87(2)(b) further alleged that PO Gloragille

ripped off a piece of fabric on a speaker inside his car and that when § 87(2)(b) requested PO Gloragille and Sergeant Anderson's shield numbers, the officers said that their names were "Eric" and "Smith" and their shields were "3640" and "613" respectively.

Sergeant Anderson PO Gloragille and PO Jimenez stated that § 87(2)(b)'s vehicle was stopped because they all personally observed him failing to signal before making a right turn. Sergeant Anderson made this statement on the video provided by § 87(2)(b) Sergeant Anderson. PO Gloragille and PO Jimenez denied and/or did not recall that § 87(2)(b) was frisked and/or search and that his vehicle was searched. The officers denied that § 87(2)(b)'s property was damaged. Sergeant Anderson, PO Gloragille and PO Jimenez also denied and/or did not recall that § 87(2)(b) requested the officers' names and shield numbers and they all denied that false information was provided to § 87(2)(b) Sergeant Anderson. PO Gloragille and PO Jimenez were consistent that § 87(2)(b) was not issued a summons for the traffic infraction because PO Gloragille decided to use his discretion. PO Gloragille stated that he made such decision because he did not want to escalate the situation with § 87(2)(b) who was already upset and agitated.

The video footage provided by § 87(2)(b) captured the vehicle stop but only up to the point when § 87(2)(b) was asked out of the vehicle. PO Gloragille, Sergeant Anderson and PO Jimenez did not make a memo book entry for the stop of § 87(2)(b) and there was no other report prepared for this incident.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

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Team: \_\_\_\_\_

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Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date